



NEEDHAM PUBLIC HEALTH DIVISION



Board of Health Meeting Minutes December 10, 2019

Board Members: Edward Cosgrove, PhD, Chair
Stephen Epstein, MD, MPP, Member
Kathleen Ward Brown, ScD, Vice Chair
Christina S. Mathews, MPH, Member
Robert A. Partridge, MD, MPH, Member

Staff present: Timothy M. McDonald, Director of Health and Human Services; Tara Gurge, Assistant Public Health Director; Karen Shannon, Maryanne Dinell, Dawn Stiller, Diana Acosta, Kim Parsons

Location: Charles River Room, Public Safety Administration Building, 500 Dedham Ave.

Guests: Anthony (Tony) Del Gaizo, Town Engineer; Michael Leshchincorp, Resident; Barbara Thornton, Resident

Dr. Edward Cosgrove, Board Chair, called the meeting to order at 7:05 pm

Minutes: There were no comments on the October minutes. Dr. Stephen Epstein made a motion to approve the minutes. Dr. Robert Partridge seconded. The minutes were approved by unanimous vote.

There was one comment on the November minutes. Ms. Kathleen Brown requested a change from CBD to THC third bullet of vaping ban. With this change Dr. Epstein made a motion to approve the minutes. Dr. Partridge seconded. The minutes were approved by unanimous vote.

Continued Board Discussion about Enforceable Agreement for Sewer Connection at 57 Walker Lane Septic system

The Board had requested additional information at the November meeting. Anthony (Tony) DelGaizo is in attendance to answer technical questions. A friend of the owner of 57 Walker Lane, Barbara Thornton, was in attendance to present on behalf of the owner who is out of the country, but was able to join the meeting via conference call.

Mr. Del Gaizo noted that Jones Contracting has worked with the extension of the sewer main on Winding River Road. Mr. Del Gaizo provided an estimates for sewer extension based on the Jones work:

\$70,044.00 to bring sewer line up to 57 Walker Lane

\$35,000.00 each if the cost is split between the owner at #57 and his direct abutter located at #67.

FitCorp is also working in Needham and is willing to provide a second estimate.

The resident was concerned about the possibility of an underground ledge and the depth to groundwater. Mr. Del Gaizo reported that a test pit showed no ledge and ground water at 8 feet below surface. Mr. Del Gaizo expects that it would probably take a week for the sewer work to connect up to #57 Walker Lane. And the connection would be there, so it would be relatively easy to connect the entire street if the residents are willing, at a later date. He noted that a new FAST alternative septic system takes longer to construct than a sewer.

Dr. Cosgrove asked if it was a regular property, with installing a non-alternative septic system, how much would it cost and Mr. Del Gaizo said that \$30,000 for a regular septic system. However, given the size of the lot and the proximity to Walker Pond, this property requires an alternative FAST septic system, which would cost \$50,000-\$60,000.

The Board noted that the sewer line would pass the other property located at #67 to reach #57 so it would be a good time to connect the other property if the neighbor was willing, especially since the neighbor is looking to sell his current vacant property this coming spring. Mr. Del Gaizo suggested that, if the Board of Health requested it, he could ask DPW to make a formal survey layout plan and spray paint the sewer route, along with elevations, down the length of Walker Lane up to #57. This would save the property owner the cost of surveying and allow contractors to base their bids on the survey.

Mr. McDonald said that he spoke to Town Counsel and that some additional time to comply could be granted.

The Board then asked to hear from the resident who was there to represent the owner of #57. The owner's letter was read to the Board and entered into the record:

Dear members of the Needham Board of Health,

I was excited to hear from Tara that you would be meeting to discuss the enforceable agreement. Unfortunately, I could not make it to the US with short notice, but hope that we can find a date in the next few months to touch base in-person.

I am unsure of the purpose of this meeting, and I can only hope that it is either for removal of the enforceable agreement, or at the very least a significant extension of its deadline. As I mentioned on July 19 - nothing less than two years would make sense, and I believe a 4 year extension is in order. This takes into account the two to three years it might take to have everything done, plus an extra year to account for being able to get things done in Spring/Fall rather than winter.

I am encouraged that the town has been engaged in conversations with contractors, and with surveying the land, and I am hopeful that this is a good and significant step towards a prompt resolution to getting at least 57 Walker connected to sewer, and hopefully the whole street.

Since our last meeting - I have been working on multiple fronts, primarily trying to find more contractors that could provide competitive quotes. It has proven to be very difficult. I am however encouraged that with more details from the town, and perhaps with assistance with an engineering plan, I would be able to get more contractors involved (these have proven to be the main barriers). I understand that digging to ~8ft has shown no ground water present- this is new information that I would be able to share with contractors and hopefully bring more of them to the table. However - the spot in which this was done might not offer the best representation for the project itself and I am hoping that together we can work along these lines and towards a feasible solution.

As previously discussed - without the town's involvement I would need to be spending \$20,000 at an engineering plan and survey, which is only the precursor to getting a more accurate quote, when our best estimated quotes are still at more than \$60,000 (excluding approximately \$30,000 in additional costs, which brings us to \$90,000). This is unreasonable, especially when a treatment septic can be installed instead for \$30,000 - inclusive of planning, etc. (see quote for an EnviroSeptic, which outperforms F.A.S.T. systems, attached to my submission back in July).

Meanwhile, of course, other things change - and I would like to report that the neighbor that is between me and the sewer is currently looking to put his house on the market. This complicates things as it

changes his interest in participating in the costs. This is yet another example of the complexities involved and why I believe this is a 1-3 year project from this point. Depending on what happens with this, it could also prove to be an opportunity to get everything done sooner rather than later, but it is difficult to say right now.

I hope that we can find a way to work effectively together towards this resolution, I would like to propose that we set up a schedule in advance, since it has proved difficult to coordinate ad-hoc. I can, for example, schedule check-in calls with Tara for the first week of every quarter, and we should plan to check in in-person at least once if not twice a year.

I am looking forward to learning more about the town's findings, and I hope that we can get this resolved in much less than 3 years.

Meanwhile - I would like to point out that In the records that were shared with me just recently, I was surprised to see that the motion we had discussed (and which passed) in the July 19 meeting is not accurately reflected in the meeting minutes. At that meeting your Board voted unanimously to approve this motion: "We support the BOH working with other Town departments to explore and recommend a viable solution for the long-term sewage needs of the Walker Pond area." I understood this motion to be related to my signing of the "Enforceable Agreement" which, at the time of signing I was told that the BOH recognized that reaching a solution for this area may take longer than two years and that the Town would be actively evaluating other solutions. **As a matter of fact, the enforceable agreement itself mentions that a decision on the timing for the connection is pending an evaluation of the situation. This was added back when it was signed because of all the unknowns involved. As we are effectively still evaluating the situation, it would be natural to extend the deadline.** I am happy that we are each making significant progress towards resolving these unknowns, and moving closer to a solution which will involve a sewer rather than an EnviroSeptic.

I was also surprised to see that in your meeting from last month you had discussed the 'failed septic system at 57 Walker Lane', when I thought we had agreed back in the July meeting that there was never a failed system at 57 Walker (as was shown by the report I submitted.), I hope that you can correct that record..

Submitted by Tal Achituv
December 10, 2019

There was a septic backup into 57 Walker Lane; his title 5 installer never submitted a failed septic system report, but it was an emergency Orangeburg pipe repair/replacement. DEP regulation considers the Orangeburg pipe, which is the pipe that leads from the house to the septic tank, part of a septic system. Orangeburg pipes are no longer made for septic systems. This system is now noncompliant, since it does not meet today's Title V septic system standards, due to older components installed. It had not been deemed to be in failure due to the pipe replacement that was conducted.

When the sewage backup occurred into the owner's house, the Public Health Division allowed the owner to hire a septic system installer to replace the pipe leading from the house to the septic tank, due to the emergency. This repair was allowed under guidance from the MassDEP, with the condition that the owner sign an enforceable agreement. The agreement was made with the homeowner in conjunction with the Needham Engineering and Water & Sewer Departments, and with the Board of Health and Public Health Division. The agreement states that the owner must extend the municipal sewer line up to his property and connect to the sewer within a 2-year period. This agreement was signed and filed with the Health Division.

Ms. Gurge distributed an ESS report that showed high levels of nitrogen and phosphorous in the pond which could be indicative of nearby failing septic systems.

In discussing whether to grant another extension, the Board noted that the intended goal of this meeting was to identify expectations for the timing of the work to build a new septic system or to connect to the sewer. The Board discussed giving the owner until April 1 to determine if his neighbors will join in on the sewer connections. Another possible date would be May 20 if there is a warrant for Walker Pond cleanup at Town Meeting. If the neighbors do not agree to join the sewer by the April 1 or May 20 date, the homeowner must decide whether to pursue a sewer connections or new septic on his own.

Mr. McDonald, along with Ms. Gurge and Mr. Del Gaizo will determine the length of the extension. They will work with the homeowner on the expectations of milestones.

Dr. Epstein noted that there was a motion on the floor to provide a 1-year extension. Dr. Cosgrove moved to amend the 1-year extension to 18 months. Dr. Cosgrove, Ms. Brown, and Dr. Partridge voted to approve the 18-month extension. Dr. Epstein abstained from the vote. The 18-month extension was approved.

Mr. Del Gaizo and Ms. Gurge will set up a timeframe for regular check-ins with the owner and the owner's representative. Mr. McDonald and Ms. Gurge will write an order with the timeline and will include milestones that will need to be met throughout the 18 months.

Staff reports:

Kim Parsons was introduced as the newest staff member in the Health Division. Her position is split between Public Health and Park & Recreation.

Public Health Nursing Report – Donna Carmichael

Ms. Carmichael provided an overview on the illness report and the first influenza type B was reported today. The Public Health nurses conducted flu clinics and held office hours through the month of November. They have been using social media to spread the word. They began working on the municipal vulnerability preparedness (grant-funded) and emergency management and continue to push MRC recruitment.

Traveling Meals Report – Maryanne Dinell

Fourteen volunteers packed meals and twenty-six volunteers delivered 656 meals to homebound Needham residents in November. The Needham Community Council and the Rotary Club provided meals on Thanksgiving Day at the Masons to clients who were not able to be with their families. A Traveling Meals volunteer donated \$1000.00. This money will go into the revolving account to meet future needs.

Substance Use Prevention Report – Karen Shannon

The Family Dinner Project, held on November 7th, sold out with 53 in attendance, including 18 volunteers. The Vaping Task Force held its first meeting November 14 and laid the groundwork for goal development. The SPAN Parent, Youth, and Community Action Teams met to continue prevention strategy building. The Board of Health letter on youth vaping is poised for dissemination to the Needham community. The final Alcohol Toolkits were distributed to Pancho's Taqueria on November 15. A new medication disposal unit is in place at CVS, Great Plain Avenue, in response to the advocacy

work of a SPAN member and Needham Public Health staff. The Needham High School SALSA students worked on development of a Vaping Awareness Week scheduled for December 9-13 at NHS. SALSA students conducted two refusal skills training presentations for 8th grade Health classes at Pollard Middle School.

Environmental Health Report – Tara Gurge and Diana Acosta

The Environmental Health group was awarded two FDA grants. One was in category 2 moderate projects at \$18,212 and will be used to create a food grading system and an educational food safety campaign, and to meet the standards for the FDA's Voluntary National Retail Food Regulatory Program Standards. The funds from the second grant (\$3,000) will support the Environmental Health staff to attend important educational conferences.

Ms. Gurge met with DPW Director of Building Maintenance along with RTS Director to determine a stricter pest control protocol for all 10 town buildings and parking lots. There will be a call for bids from various vendors.

Ms. Gurge and Ms. Acosta met with the Food Advisory Board about grading and other food safety related topics. There was an administrative hearing for Mandarin Cuisine. Ms. Gurge and Ms. Acosta instructed the restaurant owner to hire a Chinese-speaking consultant who can train the staff and perform audits.

Ms. Acosta submitted a memo to the Board explaining the process of mobile food applications. A discussion ensued on the inspection time costs for Public Health staff. The Board would like an internal accounting for staff time to be part of the budget request.

Public Health Report – Mr. McDonald

Mr. McDonald noted that accreditation plans are moving forward. The Community Health Assessment results and the Needham Housing survey results will inform the accreditation application. The report will be distributed at the January meeting. The Climate Change Project grant is finishing after meetings with Housing Authority residents--3 brochures available on senior preparedness 1 in English, 1 in Russian and 1 in Mandarin. The brochure will also be available at the January Board meeting. Emergency kits were made available at the last of the 3 Climate Change Project presentations.

Other Business

Synthetic Turf Discussion

Ms. Brown discussed the recent newspaper article on artificial turf and the levels of PFAS that were found. PFAS levels cannot be measured in turf grass because there are no approved methods or standards for testing bulk material for PFAS. There is currently only a drinking water PFAS standard. The Board decided to continue to test the turf fields every other year using the existing testing methods and hold off testing for PFAS until additional information is gathered.

Mr. McDonald will check on the PFAS standards for drinking water and any water quality test recommended by the state or federal authorities. Depending on those standards and the status of Needham's water quality, the Board will compare to see if there are any existing additional tests needed for the new turf.

Vaping

It is anticipated that the Needham Times will publish the Board of Health letter to the community on youth vaping. It will hopefully accompany an article in the Needham Times on the SALSA Vaping Awareness Week.

Medical Marijuana on Wexford Street continued discussion

It was noted that the planning board has approved a residential parcel discussion with 230 new units at Charles River, 15% of which are designated affordable. Dr. Cosgrove met with the chairs of all other town boards about this project, with a discussion about the distance between stores and housing. The Board of Health has discussed set back distances for medical versus recreational marijuana facility and will now develop a formal policy. A draft regulation will be prepared for the Board's review at the February meeting.

Budget

FY2021 and BOH priorities will be discussed along with the marijuana regulation at the February meeting.

Ms. Brown and Dr. Cosgrove met with Town Manager Kate Fitzpatrick and with Select Board members Mo Handel and John Bulian, to discuss budget priorities, including three personnel positions: full-time Public Health director; part-time administrative assistant; and a Town-funded substance abuse coordinator position. While Ms. Shannon is currently the Substance Prevention Coordinator, the position is grant-funded only until the end of the fiscal year.

Other priorities are: Warrant Article for Public Health accreditation and a scientific expert fund or more part-time hours for the Environmental Health staff hours. These would need to be discussed at the finance committee.

Mr. McDonald requested that Board members to attend the finance committee hearing on January 15, at 7 pm and will send a formal invitation.

Adjournment

Ms. Brown made a motion to adjourn. Dr. Partridge seconded. Unanimous vote to adjourn. Meeting adjourned at 9:20 pm.

Minutes prepared by Faith Crisley, Recording Secretary